

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IN RE:	:	Case No. 11-14410
	:	
Jeffrey L. Hensley	:	Chapter 7
Debra A. Hensley,	:	
	:	Judge Buchanan
Debtor	:	
	:	

MOTION AND NOTICE TO APPROVE SALE OF REAL ESTATE

Now comes Henry E. Menninger, Jr., Trustee in Bankruptcy [hereinafter "Trustee"], hereby moves the Court pursuant to 11 U.S.C. Section 363 to approve the sale of certain real estate belonging to the bankruptcy estate, to wit: a 1/4 interest in a certain residence located at 961 Woodbriar Lane, Cincinnati, Ohio 45238, as the same is more particularly described in Exhibit A attached hereto. The sale shall of said interest shall be free and clear of claims and interests.

Among the assets of the bankruptcy estate is a 1/4 remainder interest in the aforementioned real estate. The property was acquired by the Debtor, Debra A. Hensley, by devise from her mother. Her mother's last will and testament left a life estate to the Debtor's sister Charlotte Mae DeWeese, with a remainder to the Debtor and her siblings per stirpes. The life estate was to terminate when Ms. DeWeese ceased using the property as her principal residence. That event has occurred, leaving the siblings, including the Debtor each with a 1/4 fee simple interest. The Hamilton County Auditor values the property at \$82,000.00. However, the property is an area of the city that have seen property values decline precipitously. The Co-tenants have been attempting to sell the fee simple interest in this property for a significant period of time. They have recently entered into a contract for the sale of the entire interest therein for the sum of

\$54,000.00. Because of the pending bankruptcy, that contract is subject to court approval for the sale of the Debtor's $\frac{1}{4}$ interest. A copy of the contract is attached hereto as Exhibit B. After payment of expenses of sale, it is estimated that the net proceeds will be \$39,400.00. The expenses of sale are estimated in Exhibit C, attached hereto. The bankruptcy's estate's share of the net proceeds of sale is estimated to be approximately \$9,850.00.

The Trustee had initially given consideration to bringing a partition action. However, given the time and expense that would be involved in taking the partition case to its conclusion, and given the efforts of the remaining co-tenants to market and sell the property, the Trustee believes a private sale on the terms set forth herein is reasonable under the circumstances.

For the foregoing reasons, the Trustee respectfully submits that the contract be approved, and that the Trustee be authorized to complete the proposed sale on the terms set forth herein.

NOTICE

Henry E. Menninger, Jr., Trustee in Bankruptcy has filed papers with the court for a Motion and Notice to Approve Sale of Real Estate regarding the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion and Notice to Approve Sale of Real Estate, or if you want the court to consider your views on the Motion and Notice to Approve Sale of Real Estate, then on or before March 3, 2014, you or your attorney must:

File with the court a written request for a hearing, or, if the court requires a written response, an answer, explaining your position at:

U.S. Bankruptcy Court
221 East Fourth Street, Atrium Two, Suite 800
Cincinnati, Ohio 45202

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Henry E. Menninger, Jr.
600 Vine Street, Suite 2500
Cincinnati, Ohio 45202

If you or your attorney do not take these steps, the court may decide that you do not oppose the Motion and Notice to Approve Sale of Real Estate and may enter an order granting the Motion and Notice to Approve Sale of Real Estate.

Respectfully submitted,

WOOD & LAMPING LLP

/s/ Henry E. Menninger, Jr.
HENRY E. MENNINGER, JR. (OH Bar #0013511)
Attorney for Plaintiff, Trustee in Bankruptcy
600 Vine Street, Suite 2500
Cincinnati, Ohio 45202
(513) 852-6033
E-Mail: hemenninger@woodlamping.com

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2014, a copy of the foregoing Motion and Notice to Approve Sale of Real Estate was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

Office of the U.S. Trustee
Monica.Kindt@usdoj.gov

Eric L. Anderson, Esq.
ela@cinci.rr.com

I further certify that on February 6, 2014, a copy of the foregoing Motion and Notice to Approve Sale of Real Estate was mailed by ordinary U.S. Mail, postage prepaid, and properly addressed to all creditors as more particularly set forth in the attached matrix.

/s/ Henry E. Menninger, Jr.
Henry E. Menninger, Jr.
Trustee in Bankruptcy
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